MR. C. O. MADHAVAN: Government.

MR. A. THANU PILLAI: May I take it that the Government have furnished the appointing authorities with a list of what they consider disloyal and subversive activities?

MR. C. O. MADHAVAN: Government did not consider it necessary.

MR. A. THANU PILLAI: Will the Chief Secretary be pleased to give me a few instances of persons whose activities the Government consider disloyal and subversive?

MR. C. O. MADHAVAN: It is not considered expedient to give names here, Sir.

MR. M. SIVATHANU PILLAI (*Tovala* cum *Agastisvaram*): May I ask whether agitation for responsible Government under the aegis of His Highness the Maharaja on constitutional and peaceful lines is also considered subversive and disloyal?

PRESIDENT: There is a contradiction in terms in your question; the word 'constitutional' there precludes the idea of disloyalty.

MR. K. T. THOMAS: May I know the date of the Circular?

MR. C. O. MADHAVAN: 21st June.

MR. K. T. THOMAS: Has it been communicated to the departmental heads?

MR. C. O. MADHAVAN: The question relates to matters which are confidential,

MR. K. T. THOMAS: May I ask whether the Government cannot possibly disclose whether the circular has been sent to the departmental heads or not?

MR. C. O. MADHAVAN: The interpellation asked whether the circular has been issued to the heads of departments, and it has been answered that a circular has been issued.

MR. K. T. THOMAS: May I therefore take it that the departmental heads still reserve to themselves some appointing authority?

MR. C. O. MADHAVAH: To a certain extent, they do.

MR. V. K. VELAYUDHAN: Have the Government issued any instructions to the heads of departments as to the factors which go to make certain activities disloyal and subversive?

MR. C. O. MADHAVAN: Beyond the circular, no further instructions have been issued.

ADJOURNMENT MOTIONS.

PRESIDENT: I have received notices on eighteen adjournment motions, and shall deal with them one by one.

MR. K. R. NARAYANAN:

"I intend asking for leave to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of public importance, namely, the refusal of permission by the Prison authorities and by the Government to the relatives of Mr. A. Narayana Pillai to visit him in Jail."

In the first place I should like to ask the honourable member whether he has satisfied himself that there was such refusal?

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MR. K. R. NARAYANAN (*Vaikam cum Kottayam*): പാലായിലെ കണ്ടതിനെ അടിസ്ഥാനപ്പെടുത്തിയാണോ പ്രമേയം അയച്ചിട്ടുള്ളത്.

PRESIDENT: Honourable members must make themselves responsible for statements which they make or for inferences which may be drawn from their notices of adjournment motions.

Mr. Chief Secretary, was there any such refusal?

MR. C. O. MADHAVAN: No, Sir.

PRESIDENT: Therefore, I disallow the motion.

MR. A. J. JOHN:

"I intend asking for leave to make a motion for the adjournment of the business of the Assembly for discussing a definite matter of urgent public importance namely, the insecurity of person and property in the State as disclosed by the recent assaults on the Highroad in broad day light on Mr. M. R. Madhava Warrier, Mr. Mudalali, Miss Anne Mascrene, Mr. Parameswaran Nair Mr. K. P. Nilakanta Pillai, and the burglaries in the house of Miss Anne Mascrene and in the office of Mr. K. A. Gangadhara Menon.

The motion is in order, and I wish to know whether the honourable member has the leave of the House to make the motion. I see that he has the leave of the House.

The motion may be moved this afternoon at 3-30.

MR. T. M. VARUGHESE:

"I intend asking for leave to make a motion for the adjournment for discussing a definite matter of urgent public importance namely, the open and law-less encouragement of rowdyism by the police at public meetings as disclosed by the incidents at Neyyattinkara on 25-9-1113, at Nedunganda on 5-11-1113, at Shertallai on 5-11-1113 and at Chengannur on 11-11-1113."

So far as the incidents at Chengannur are concerned the matter is *sub judice* and therefore cannot be raised in this House; two cases are pending with regard to that matter. The motion is in order in regard to the other matters.

Has the member the leave of the House?

Leave is granted, and the motion will be discussed tomorrow evening at 3-30.

MR. P. NANOO:

"I intend to ask for leave to make a motion for adjournment for discussing a definite matter of urgent public importance namely, the situation created in the country by the unwarranted and illegal interference and neglect of duties of the police and other executive officers in a meeting of the Travancore State Congress assembled at Nedunganda."

The subject matter is the same as that of the previous motion and will be discussed together with that.

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MR. T. C. KESAVA PILLAI:

"I beg to move that the business of the House be adjourned for discussing a definite matter of urgent public importance namely, the situation created among the people of Travancore regarding the innumerable sales of immoveable properties for arrears of tax for small amounts and to suggest remedial measures."

The motion is in order. Has the member the leave of the House? Since leave has been granted, he may move the motion the day after tomorrow at 3-30 P. M.

MR. T. P. VELAYUDHAN PILLAI:

"I move that the business of the House be adjourned for discussing a definite matter of urgent public importance, namely, the extreme hardship of the agriculturists in the State due to failure of the Makaram and punja crops and the heavy fall in the prices of agricultural produce, and the necessity for the full remission of land tax in the areas where there was complete failure of crops and for a general remission of fifty per cent. of the land tax including water cess in other areas, for the current year and also for the stay of all coercive steps that are being taken for the realisation of the land tax."

Normally speaking, all these matters will come within the budget debate. That will be the proper occasion when constructive and useful suggestions can be made, and all grievances ventilated. I wish to know from the honourable member whether he would like to press his present request for leave to move this adjournment motion.

MR. T. P. VELAYUDHAN PILLAI: I wish to move it as an adjournment motion, Sir.

PRESIDENT: The motion is in order. Has he the leave of the House?

He has been granted leave, and the motion will be discussed at 3-30 P. M. on the 14th July.

MR. P. J. SEBASTIAN:

"I intend asking for leave to make a motion for the adjournment of the House for discussing a definite matter of urgent public importance namely, the outragious lathi charge by the police on the peaceful and the innocent persons who had gathered on the mills maidan at Chengannur."

As the matter is *sub judice*, I rule the motion out of order.

8. MR. KANNARA GOPALA PANICKER:

"I intend asking for leave to make a motion for the adjournment of the House for discussing a definite matter of urgent public importance namely, the lathi charge by the police on an innocent and peaceful assemblage of labourers at Alleppey on the 11th Meenam 1113 leading to the death of one of them and injuries to a large number."

Does the honourable member make himself responsible for the allegation that the death was due to the lathi charge?

MR. KANNARA GOPALA PANICKER (*Mavelikara cum Kunnathur*): Yes, Sir.

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PRESIDENT: On that definite understanding, I hold that the motion is in order. Has the member the leave of the House.

I take it that he has been granted leave.

The motion will be made at 3-30 P. M. on 15th July.

MR. G. P. NILAKANTA PILLAI:

"I intend asking for leave to make a motion for adjournment of the House for discussing a definite matter of urgent public importance namely, the repressive policy underlying the recent orders passed by the District Magistrates of Quilon and Kottayam prohibiting for a period of two months in their jurisdictions, public meetings and demonstrations and the like under the auspices of the Travancore State Congress."

In regard to this matter, I may at once mention that it is inadmissible as a notice for an adjournment motion. The orders referred to were passed by the District Magistrates under power vested in them by Statute and such orders are revisable by the High Court in certain circumstances. Government have no administrative control over the District Magistrates when they pass such orders. It has been uniformly held both in Parliament and in all Indian Legislatures that all orders passed by Magistrates in their judicial or statutory capacity cannot form the subject of adjournment motions especially as the administrative responsibility of Government is not in question. The Magistrates were acting in the due administration of the law. I therefore rule that the motion is out of order.

MR. K. T. THOMAS:

"I intend asking for leave to move that the business of the Assembly be adjourned for discussing a definite matter of urgent public importance namely, the discontent caused in the country on account of the attitude adopted by the Government in passing strictures on the conduct of some honourable members of the House in the matter of the inquiry against the Inspector of Police at Karunagapalli conducted by the District Judge Quilon under orders of Government."

I hold that the motion is out of order, for this simple reason. Honourable members made certain allegations to the Government and prayed for an enquiry; the enquiry was held; and the Government have passed their orders as a result of such enquiry. The orders were passed some time ago and they are there and may be criticised at the proper time and place. It is not a definite matter of urgent public importance. It does not come within the rules enabling adjournment motions to be moved.

I also hold that it is not in public interests to allow the discussion of this matter except to the extent I have already indicated, I rule that the motion is out of order.

MR. V. K. VELAYUDHAN:

"I intend asking for leave to make motion for adjournment of the House for discussing a definite matter of urgent public importance namely, the need for taking immediate steps for the grant of responsible Government in this State under the aegis of His Highness the Maharaja in view of the recent statements of Earl Winterton."

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I rule that this motion is inadmissible under the provisions of Section 17 (1) (*d*) of the Regulation which lays down that it shall not be lawful for the Council or the Assembly to consider or enact any measure relating to or affecting the provisions of this Regulation or the rules framed thereunder. Nothing that is not allowed under this Section 17, can form the subject matter of adjournment motions, as adjournment motions must not deal with a matter on which a resolution could not be moved that is rendered clear by the rules relating to adjournment motions.

Responsible Government cannot be granted in this State without completely modifying these Rules and Regulations, namely, the provisions of the present Regulation and the Rules framed thereunder.

MR. A. THANU PILLAI : May I humbly submit, Sir, that the present ruling is against the precedents of this House? The matter, almost exactly in the same terms, has been allowed to be discussed at length in this Assembly atleast once before. It is for the Chair to consider whether there is any justification, or any necessity to deviate from that wholesome principle now.

PRESIDENT : That aspect of the matter has been carefully considered.

I am not basing my ruling however solely or even mainly on this ground. The motion raises the question of the need for taking immediate steps for the granting of responsible Government in this State under the aegis of His Highness the Maharaja, *in view* of the recent statement of Earl Winterton. A motion for adjournment must raise a question, a definite matter of immediate, urgent public importance. The statement of Earl Winterton has not raised any new question at all. There is no new situation of immediate public importance. The statement of Earl Winterton was only to the effect that it is not the policy of the Paramount Power to intervene in the internal administration of full-powered States, and that the Paramount Power will not obstruct proposals for constitutional advance initiated by a Ruler. There is no mention of responsible Government in the technical sense in the statement. Earl Winterton did not ask any State to institute or initiate any constitutional advance; he has not asked the States to grant responsible Government forthwith or within any definite period. He has merely stated that it is not the policy of Paramount Power to obstruct proposals for constitutional advance. He goes further and says that the Paramount Power will confine itself to tendering advice *when consulted*. Whether the Paramount Power will be consulted or not is a matter left entirely to His Highness and to His Government.

It may be added that, subsequent to the statement by Earl Winterton, Lord Zetland has made a speech in which he has emphasised that it is for the Princes themselves to decide what they should do by way of tampering the rigid autocracy of bygone days with a more liberal system. Here again there is not a word as to responsible Government in the sense used by the mover.

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[President,]

Now, having regard to these two pronouncements, it will be seen that there is no new situation created as a result of the statement made in the House of Commons or in the House of Lords.

One honourable member has referred to a previous debate, in this House on this question of responsible Government It may or may not be possible to raise the question of responsible Government in other ways than in the form of an adjournment motion but in order to raise that question in an adjournment motion, it must be a definite matter of immediate urgent public importance. There is no immediacy or urgency about it because Earl Winterton's statement has not created a new or urgent situation, nor has the statement by Lord Zetland. This question of responsible Government has been there, on the tapis for some time, even before the statement in the House of Commons and the speech by Lord Zetland, and it will presumably continue to be on the tapis for some more time.

I therefore hold that the matter cannot be raised in an adjournment motion.

The motion is out of order.

PRESIDENT: The next motion stands in the name of Mr. P. K. Kunju. It reads thus:

> "I intend asking for leave to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the distrust and discontent and want of confidence caused by the irresponsible pronouncement by the Dewan at a Public meeting at Kothamangalam in reply to the address presented to him in which he sought to classify the communities in this State into 'loyal' and 'disloyal' groups."

This motion is disallowed because it will be obvious that pronouncements by the Dewan as Head of the Government are based on materials open to Government and which can not always be placed or be available before the House. It has been laid down by one of my predecessors as it would appear from the selections of the Rulings of the Chair—that matters arising out of motions for adjournment of the business of the House must be of recent occurrence and must not be open discussion on materials not available to the House. Those materials are not available to the House and therefore, pronouncements by the Dewan cannot be canvassed in this House. Therefore I rule the motion out of order and also on the ground that it cannot be moved without detriment to public interests.

The next motion stands in the name of Mr. Thanu Pillai. It reads thus:

> "I intend asking for leave to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the apprehension created in the minds of the public by the alleged interference of the Executive with the Judiciary in respect of the recent trial of Mr. A. Narayana Pillai B. A., B. L., Advocate."

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Before proceeding may I ask the member one question? Will the member make himself responsible for the allegation that there was an interference of the executive with the judiciary?

MR. A. THANU PILLAI: Yes, Sir. I make myself responsible to the extent as set out in my statement. There was an apprehension created by the alleged interference.....

PRESIDENT: Order, order. The honourable member, as an experienced member of the House, knows that a mere allegation is no foundation for a charge. Does the member make himself personally responsible for that charge?

MR. A. THANU PILLAI: I submit that it is generally believed here that.....

PRESIDENT: Will the member please answer my question?

MR. A. THANU PILLAI: Yes, Sir. I shall try to answer. It is generally believed by the public of Travancore that there was interference.....

PRESIDENT: My question was, will the member make himself personally responsible for the allegation that there was an interference?

MR. A. THANU PILLAI: Yes, Sir. I make myself personally responsible for this statement.

PRESIDENT: Now the honourable member has made himself personally responsible for the allegation that there was an interference of the judiciary by the executive. That raises a very important question, namely, of what may in certain circumstances amount to contempt of the High Court. But it is well known that a motion for adjournment of the House is not appropriate. The reflection involved in the motion and the slur cast on the courts of the land including the High Court are such that following precedents elsewhere and for reasons of public interest I disallow the motion.

The next motion stands in the name of Mr. C. Jebamony Nadar which reads as follows:—

> "I beg leave to move the adjournment if business of this House in order to discuss a definite matter of urgent public importance *viz.*, the proposal of the Government to exclude iron tyred vehicles from the Main Southern Road."

I disallow the motion because the proposal is still in the stage of preliminary discussion. Nothing has happened in regard to that matter and pending enquiry there is no matter of urgent public importance that arises. I therefore rule it out of order.

The next motion is in the name of Mr. N. Narayana Kurup which reads thus:—

> "I intend asking for leave to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, *viz.*, the hostile attitude adopted by the Government of Travancore towards the Travancore National and Quilon Bank and the indifference shown to the interests of the depositors and shareholders of the Bank thereby prejudicing the vital interests of the country."

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[President,]

This matter is *sub judice*. The question of the alleged hostile attitude adopted by the Government has been raised in proceedings before the Courts. Whether that kind of defence will be persisted in or not will be known as further developments take place. At any rate the matter is *sub judice*. I therefore rule the motion out of order.

The next motion which stands in the name of Mr. M. G. Mathew reads as follows :-

"I intend asking for leave to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the illegal interference of Government Officers in canvassing support for one of the candidates and against the State Congress candidate and the intimidation, personal violence and undue influence brought to bear upon the electors by Government officials in the recent bye-election to the Sri Mulam Assembly from the Mavelikara cum Kunnathoor general rural constituency."

This is a matter on which, as is well known, if there is any complaint of this kind it is open to the party aggrieved to raise it in the form of an election petition. It is not a matter of urgent public importance, as the election has taken place and the member has taken his seat. If the allegations are true, that can come up before a proper tribunal constituted for the purpose. I therefore rule it out of order.

The next motion is from Mr. P. K. Kumaran, It reads thus :—

"I intend asking for leave to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance namely, the widespread discontent in the country caused by the notice served on the S. N. D. P. Yogam by the Government to show cause why the license granted to the Yogam should not be revoked."

Under the Companies Act, certain societies are entitled to register themselves as charitable and religious organisations. Companies so registered cannot consistently take part in politics and the S. N. D. P. Yogam has been called upon to show cause whether they have indulged in any political activity, so as to invite the operation of the relative section in the Statute. A reply has come from them and the matter is pending decision by Government. Under these circumstances, no useful purpose will be served by discussing the motion, as the matter is pending decision before Government in a *quasi* judicial capacity.

MR. P. K. KUNJU : Sir, I rise to a point of order.

നിയമസഭാ സാമാജികന്മാർ പുറപ്പെടുവിക്കുന്ന അഭിപ്രായങ്ങൾ ഇവിടെ വ്യത്യാസങ്ങളോടുകൂടിയാണു നിയമസഭാപ്രൊസീഡിംഗ്സിൽ പ്രസിദ്ധപ്പെടുത്തിക്കാണുന്നതു്. ഉദാഹരണമായി കഴിഞ്ഞ പൊലുവരി ചോദ്യം നടന്ന സഭയിൽ ഉത്തരവാദിത്വഭരണത്തെ സംബന്ധിച്ചു് ആ ണാമ്പ് മെമ്പർ മി: ടി. എം. വർഗീസ് .....

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PRESIDENT : What is the point of order ? It must arise out of something that has taken place in the House from 11 'O clock up to this moment. Persumably there is no other point of order that can be raised. What is the point of order arising out of the speech that has been made from 11 O' clock up to now that the honourable member desires to stand upon.

MR. P. K. KUNJU : I am making a statement regarding a serious omission that has taken place in the last proceedings of the Assembly.

PRESIDENT : No statement regarding a serious omission or commission can form the subject matter for points of order. Will the honourable member now state his point of order.

MR. P. K. KUNJU : I want to make a statement Sir.

PRESIDENT : The member cannot make a statement under the guise of a point of order.

MR. P. K KUNJU : Sir, I may be permitted to state one point.

PRESIDENT : Under the Rules no question can be raised excepting the point of order.

MESSAGE FROM THE SRI CHITRA STATE COUNCIL.

SECRETARY: I beg to report that the following Message has been received from the Secretary to the Sri Chitra State Council;

Letter, dated the 16th February 1938.,

From

The Secretary to the Sri Chitra State Conncil.

To

The Secretary to the Sri Mulam Assembly.

Sir,

Under Rule 42 of the Travancore Legislative Rules, passed under date the 28th October 1932, I am directed to inform you that the Sri Chitra State Council has, at its meeting held on the 8th February 1938, agreed, without any amendments, to the Travancore Credit Bank Bill, which was passed by the Sri Mulam Assembly at its meeting held on the 2nd February 1938. A copy of the Bill, as passed by the Council, is enclosed.

I have etc., (Sd.)

Secretary to the Sri Chitra State Council.

BILL ASSENTED TO BY HIS HIGHNESS THE MAHARAJA.

SECRETARY: I beg to report that the Travancore Credit Bank Bill has received the assent of His Highness the Maharaja since the last meeting of the Sri Mulam Assembly.

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